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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,508	12/13/2001	Mihaela Van Der Schaar	US 010660	6560

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

PHILIPPE, GIMS S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/015,508

Applicant(s)

VAN DER SCHAAR, MIHAELA

Examiner

Gims S. Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a first action in response to application no. 10/015,508 filed on December 13 2001 in which claims 1-34 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6, 7, 16, 17, 26, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 6, 16, and 26, the phrase "known factors" in the claims creates ambiguity and makes it difficult for the examiner to determine what is a known factor. Correction is required.

3. Regarding claims 7, 17, and 27, the phrase "etc" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "etc"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Correction is required.

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Since claims 6-7, 16-17, and 26-27 are indefinite, they will be examined as best understood by the examiner.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leiper (US Patent no. 6112234) in view of Wu et al. (US Patent no. 6614936).

Regarding claims 1, 10-11, 20-21, and 30, Leiper discloses a method for dynamically determining a transmission sequence of video images composed of a plurality of bit-planes to allow for selective enhancement of desired portions of the video image, the transmission sequence being predetermined (See Leiper col. 3, lines 7-13, lines 19-21, lines 45-56), comprising the steps of determining one of the encoded macroblocks in each bit planes associated to the desired portion of the video image (See Leiper col. 5, lines 8-12, and col. 6, lines 50-55), determining an order of transmission of each of the determined macroblock with the transmission sequence (See col. 5, lines 1-17), advancing each of the macroblocks in the transmission sequence order corresponding to a known level

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of enhancement (See col. 5, lines 45-56, lines 66-67, col. 6, lines 1-27, and col. 1, lines 55-57). The applicant should note that the image “bi planes” of the 8 bit or 12 bit image is considered to be representing the “macroblocks”.

It is noted that although Leiper discloses transmitting video images to build resolution over time (See col. 1, lines 55-59), it is silent about transmission of encoded FGS as specified in the claims.

Wu et al. discloses transmission of encoded FGS to provide increased quality video (See Wu col. 7, lines 5-15).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Leiper's transmission method by incorporating Wu's step of transmitting encoded FGS. The motivation for such a modification in Leiper is to overcome bandwidth fluctuation and also to provide picture enhancement as needed.

As per claims 2-3, 12-13, and 22-23, Leiper further discloses maintain the transmission sequence order (See Leiper col. 1, lines 51-65, col. 2, lines 24-40).

As per claims 4-7, 14-17, and 24-27, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Leiper further determines the desired portion from a user request, determining the know level of enhancement, and the desired portion (See Leiper col. 2, lines 16-57, col. 6, lines 6-30).

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As per claims 8, 18, and 28, Leiper acknowledges the bandwidth availability as part of the transmission method and enhancement factor (See col. 3, lines 3-13).

As per claims 9, 19, and 29, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Leiper further discloses a method wherein the predetermined transmission sequence is selected from progressive scan (See Leiper col. 1, lines 50-59).

As per claims 31-33, most of the limitations of these claims have been noted in the above rejection of claim 21. In addition, Leiper further discloses a system comprising an input/output device operable to receive or transmit information over the network (See Leiper col. 3, lines 3-35, and col. 5, lines 1-25).

As per claim 34, Leiper further discloses receiving user request over the network (See col. 5, lines 1-51).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wu et al. (US Patent no. 6700933) teaches system and method with advance predicted bit-plane coding for progressive fine-granularity scalable (PFGS) video coding.

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Girod et al. (US Patent no. 6480541) teaches method and apparatus for providing scalable pre-compressed digital video with reduced quantization based artifacts.

Van der Schaar et al. (US Patent no. 6788740) teaches system and method for encoding and decoding enhancement layer data using base layer quantization data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

July 28, 2005